

**U.S. DEPARTMENT OF STATE
TRAFFICKING IN PERSONS REPORT, 2012
SEYCHELLES COUNTRY NARRATIVE
(TIER 2 WATCH LIST)**



Seychelles is a source and destination country for Seychellois children and foreign women subjected to sex trafficking. Seychellois girls and, to a lesser extent, boys are induced into prostitution – particularly on the main island of Mahe – by peers, family members, and pimps for exploitation in nightclubs, bars, guest houses, hotels, brothels, private homes, and on the street. Young drug addicts are also vulnerable to being forced into prostitution. Foreign tourists, sailors, and migrant workers (particularly those in the fishing and construction sectors) contribute to the demand for commercial sex acts in Seychelles. In July 2011, Hungarian authorities apprehended three suspected traffickers who allegedly procured women for prostitution in Middle Eastern countries and Seychelles. One Seychellois trafficking victim was identified in the United Kingdom in early 2011. Foreign migrant workers – mainly employed in the construction and commercial fishing sectors – comprise 24 percent of Seychelles’s formal sector labor force. Some Indian migrant workers reportedly have experienced poor conditions, including underpayment of wages and substandard housing. The demand for services provided by foreign domestic workers and in-home caregivers – including Filipinas, Malagasy, Indians, and Kenyans – reportedly is increasing in Seychelles; 39 such workers migrated to Seychelles in 2010.

The Government of Seychelles does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made initial efforts to take law enforcement action against trafficking offenders and continued a program to raise awareness of the dangers of prostitution among the youth population. Despite these efforts, it prosecuted and convicted children exploited in brothel-based prostitution rather than identifying them as trafficking victims and did not remove them from the premises upon which they had been exploited. It made no efforts to rectify contradictions in its existing laws relating to the sex trafficking crimes of child prostitution and forced prostitution of adults. As a result, Seychelles is placed on Tier 2 Watch List. In late 2011, the government entered into discussion with UNODC regarding the creation of a national anti-trafficking policy and comprehensive legislation, which, if enacted, would greatly enhance its ability to combat human trafficking.

Recommendations for Seychelles: Expand ongoing efforts to educate government officials and the general public about the nature of human trafficking; more frequently utilize existing legislation to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; draft comprehensive anti-trafficking legislation that clearly defines trafficking offenses and prescribes sufficiently stringent punishments; increase prescribed penalties for forced labor offenses in Section 251 of the Penal Code Act; amend the Penal Code to harmonize the duplicative and contradictory sections addressing sexual offenses crimes – particularly those related to the exploitation of children in prostitution – to ensure the prohibition of and sufficiently stringent punishment for the prostitution of all persons under 18 years of age and the forced prostitution of adults; employ the existing district task force structure to increase the identification and referral of victims to protective services, particularly to safe shelter and counseling; formalize the role of the newly formed anti-trafficking committee to facilitate communication

**U.S. DEPARTMENT OF STATE
TRAFFICKING IN PERSONS REPORT, 2012
SEYCHELLES COUNTRY NARRATIVE
(TIER 2 WATCH LIST)**



and coordination among the relevant ministries, law enforcement entities, working groups, and NGOs; institute a standardized contract governing the employment of domestic workers within private homes; and launch a campaign to educate foreign tourists and migrants entering the country about the illegality of purchasing sexual services in Seychelles and the punishment available under local laws.

Prosecution

The government made limited efforts to address trafficking crimes through law enforcement action during the reporting period. While the government demonstrated progress by achieving convictions of three sex trafficking offenders in 2011, it also criminally prosecuted and convicted two children in the same case rather than identifying and treating them as sex trafficking victims. Seychelles law does not specifically prohibit human trafficking, although existing penal and labor code statutes prohibit slavery, forced labor, pimping, and brothel keeping, under which traffickers could be prosecuted. Section 251 of the Penal Code Act prohibits and prescribes a punishment of three years' imprisonment for forced labor, penalties which are not sufficiently stringent. Section 249 of the penal code outlaws slavery and prescribes sufficiently stringent penalties of 10 years' imprisonment. Sections 155, 156, and 138 of the penal code outlaw brothel-keeping, pimping, and procuring women or girls to engage in prostitution within Seychelles or abroad, prescribing punishments of three years', five years', and two years' imprisonment, respectively. None of these penalties are commensurate with those prescribed for other serious crimes, such as rape. Enforcement of laws relating to the prostitution of children is hampered by unclear and conflicting statutes that fail to define clearly the ages of consent and legal majority, creating confusion between the traditionally understood age of consent of age 15 and the legal age of majority of age 18.

Police, social welfare, and labor officials did not initiate any investigations of suspected cases of child prostitution, forced prostitution of adults, or forced labor during the reporting period, and indicated that they had not received any such complaints, although one NGO said that it had reported suspected incidences of child prostitution to the police during the year. In 2011, the court prosecuted a case involving five individuals accused of operating a brothel in Bel Air; all five defendants, including three adults and two girls who were ages 16 and 17 at the time of arrest, pled guilty in March 2012 and were awaiting sentencing at the close of the reporting period. The government does not use provisions contained in the penal code or the Employment Act of 1990 to criminally punish violations of workers' rights, but disputes arising from allegations of such violations are reportedly settled through mediation at the Employment Tribunal without formal prosecution; information regarding cases handled by this tribunal was not available. The government did not provide law enforcement training for its officials in how to recognize, investigate, or prosecute instances of trafficking. It did not report taking law enforcement action against any public officials complicit in human trafficking, but there were no reported cases of such complicity during the year.

**U.S. DEPARTMENT OF STATE
TRAFFICKING IN PERSONS REPORT, 2012
SEYCHELLES COUNTRY NARRATIVE
(TIER 2 WATCH LIST)**



Protection

The government made limited efforts to identify trafficking victims or provide them with protective services during the year. The government neither identified nor provided protective services to the two aforementioned child sex trafficking victims, but instead prosecuted them for crimes committed as a result of being trafficked; the victims continued to reside in the brothel at the close of the reporting period due to lack of shelter facilities and the refusal of their families to receive them back. The Department of Social Development's (DSD) 25 district task forces on social ills – comprised of social workers, police, community nurses, youth workers, school counselors, NGOs, religious organizations, and other civil society groups – are charged with responding to specific situations of concern in each locality; while some of these task forces reportedly identified cases of children in prostitution during the reporting period, the DSD did not provide information regarding the numbers of sex trafficking victims identified or the protective services, if any, afforded to such children. Social workers and police are not believed to have conducted home visits or provided counseling to the families of children in prostitution. In 2011, the government provided an unknown amount of funding to NGOs that afforded limited services to a small number of victims of child prostitution. Seychelles does not have a formal referral process to systematically transfer trafficking victims to service providers for care. NGOs reported that police detained prostituted children in cells overnight without providing social or medical services, but typically released them the following morning without charge.

Prevention

Awareness of human trafficking remained low within the country, but rose in 2011 as a result of the government's nascent public awareness raising efforts. In November 2011, the government established a national anti-trafficking committee comprised of representatives from the police, Ministry of Social Development, the Attorney General's Office, Ministry of Foreign Affairs, and the Ministry for Home Affairs' Immigration Division to serve as a coordinating body for collaboration and communication on trafficking matters. In December 2011, representatives of six government ministries participated in a two-day UNODC-led workshop on incorporating the 2000 UN TIP Protocol into national legislation and developing a national policy framework on human trafficking; the government has yet to finalize the recommendations resulting from this workshop. The government made some efforts to continue implementation of its "Plan of Action to Tackle Social Ills (2009 – 2010)," which aims to address the country's drug and sex trades and, according to the DSD, remains binding though technically expired. For example, in July 2011, the government and a foreign embassy co-hosted an awareness raising event on the exploitation of children in prostitution attended by 120 government officials, representing nearly 1.5 percent of Seychelles's civil service. In the same month, the police conducted a one-day workshop for 15 teenagers from various educational institutions to raise awareness of the dangers of prostitution and drug use. During the reporting period, the DSD also conducted three public talks for 114 high school and

**U.S. DEPARTMENT OF STATE
TRAFFICKING IN PERSONS REPORT, 2012
SEYCHELLES COUNTRY NARRATIVE
(TIER 2 WATCH LIST)**



Polytechnic students identified by school counselors as youth at high risk for exploitation, which addressed, in part, the dangers of engaging in prostitution. The Employment Department of the Ministry of Education, Employment, and Human Resources attested to the contracts of foreign workers migrating to Seychelles and the Immigration Division approved applications for work permits. These entities jointly maintained an automated system to monitor the immigration and employment status of migrants working within the country. The activities of the Committee for Employment of Non-Seychellois, which guided the government's policies on the recruitment of foreign workers to meet the local demand for labor, were suspended in November 2011 pending a review of the government's labor migration policies. The Ministry of Employment's Expatriate Employment Section maintained data on migrant workers and visited workplaces together with the Labour Monitoring and Compliance Section; these entities have never identified a case of forced labor. The Ministry of Education, Employment and Human Resources reportedly intervenes when workers complain about their employment conditions to ensure that workers' rights are respected. In some cases, governmental authorities had no option but to communicate with workers through interpreters provided by the employers; recognizing this situation as problematic in gaining workers' trust, the government instituted a new requirement in 2011 that any foreign workers migrating to Seychelles be able to speak English. The government took no law enforcement action against foreign nationals suspected of purchasing sexual services in Seychelles.

(END)